

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

ROY HORTON,

Plaintiff,

vs.

CIVIL ACTION NO. 1:09CV114

**LT. WESLEY DOBBS, Marion Co.
Sheriff's Dept.; OFFICER BENSON,
Transportation Officer, Marion Co.
Sheriff's Dept.; OFFICER B. KIMBALL,
Booking Officer, North Central Regional Jail;
GEORGE TRENT, Administrator,
North Central Regional Jail, JOHN L. KING,
Chief of Operations, West Virginia Regional
Jail Authority,**

Defendants.

ORDER GRANTING ENLARGEMENT OF TIME

On January 26, 2011, Defendants Brenda Kimball, George Trent, John L. King, II, Lt. Wesley Dobbs, and Officer Benson, by their respective counsel, filed "Defendants' Joint Motion to Extend Dispositive Motions Deadline" [Docket Entry 155]. On January 3, 2011, this Court granted Plaintiff, *pro se* Roy Horton an enlargement of time to complete discovery with respect to Defendant John L. King, II, only until February 28, 2011. The deadline for dispositive motions was enlarged to February 1, 2011.

Defendants are in agreement that extending the dispositive motions deadline would be in their best interests, as Defendant King was joined in the Complaint later and his deadlines differ from the other Defendants', even though he shares counsel with Defendants Kimball and Trent. Defendants note and the Court is aware that Plaintiff has not been consulted regarding this motion, although he has been sent correspondence regarding the motion.

The Court agrees with Defendants that it is more efficient for all dispositive motions to be due at the same time, and also more efficient for all the discovery to be completed and reviewed

before such motions are due. The Court also finds it in Plaintiff's best interest to enlarge his time for filing, in light of the fact that he will have more time to review late-acquired discovery from Defendant King.

The undersigned has been reluctant to grant further enlargements of time because the scheduling of the remaining dates, in particular the final pretrial conference and trial, are already on the District Court calendar. However, the undersigned believes an enlargement of time for dispositive motions is in the best interest of all concerned but advises the parties that any further amendments to the scheduling order including continuance of the final pretrial and trial dates are in the control of and will be made solely by the District Court as necessary.

For reasons apparent to the Court, "Defendants' Joint Motion to Extend Dispositive Motions Deadline" [Docket Entry 155] is **GRANTED**. The deadline for dispositive motions for all parties is extended to **March 10, 2011**. Responses to any dispositive motions shall be due **March 24, 2011**. Replies, if any, to responses shall be due **April 5, 2011**.

It is so **ORDERED**.

The Clerk of the Court is directed to send a copy of this Order to counsel of record, and to Roy Horton, Plaintiff *pro se* by Certified United States Mail.

DATED: January 28, 2011.

s/ *John S. Kaull*
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE